THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.21550 of 2007

Between:

Bolladi Ananta Reddy and others.

.. PETITIONERS

and

The State of A.P.,
Rep. by its Tahasildar and another.

.. RESPONDENTS

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ORDER:

Heard the learned counsel appearing for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

It is the case of the petitioners that petitioners 1 to 5 purchased the land admeasuring Ac.0-05 gts. each in Sy.No.128 and the 6th petitioner purchased the land admeasuring Ac.0-20 gts. in Sy.No.164/F situated at Rekurthi village, Karimnagar Mandal and District, from their vendors, after verifying the revenue records that they are not assigned lands and the said lands are patta lands. While so, the Tahsildhar, Karimnagar, issued notices to the so-called assignees, but not to the petitioners, even though they purchased lands and in possession of the same. As no explanations were received pursuant to the said cause notices, the Tahsildar, Karimnagar, passed impugned orders in File Nos.B/400/2007 and B/401/2007, in exercise of powers conferred under Section 4(1) (a) and (b) of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, (for short "the Act") on the ground that the said lands are assigned lands and the assignees transferred the lands in favour of the petitioners in violation of Section 3(2) of the Act and accordingly, while cancelling the assignment orders, resumed the lands in question into the Government custody.

Learned counsel appearing for the petitioners submits that as per Rule 3 of A.P.Assigned Lands (Prohibition of Transfer) Rules, 2007, the Authorised Officer before passing orders under Section 4(1) (a) and (b) of the Act, shall issue notices in Form-I to the assignees and Form-II to the transferees of the said assigned lands. But, in the instant case, notices in Form-II have not been served on the transferees and, therefore, the impugned orders passed by the Tahsildhar, Karimnagar, are illegal and contrary to the

provisions of the Act.

I am not inclined to express any opinion on the merits of the case, as, admittedly, the impugned orders are appealable orders and the material available on record goes to show that notices have not been served on the petitioners and final orders have not been furnished to the petitioners. But, however, on instructions, the learned Government Pleader for Revenue appearing for the respondents, produced copies of the final orders before this Court. As the copies of the final orders are made available, I am of the opinion that it is just and proper to permit the petitioners to file appeal under Section 4-A (1) of the Act before the Revenue Divisional Officer, Karimnagar District.

Accordingly, the writ petition is disposed of permitting the petitioners to file appeal against the impugned orders passed by the Tahsildar, Karimnagar, in proceedings Nos.B/400/2007 and B/401/2007, within two weeks from the date of receipt of a copy of this order. Pending disposal of the appeal, the respondents are directed not to dispossess the petitioners from the lands in question. If no such appeal is filed within two weeks from the date of receipt of a copy of this order, the order passed by this Court shall stand vacated and it is open for the respondents to take appropriate action, pursuant to the impugned orders. There shall be no order as to costs.

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11-10-2007

Prv